

TOWN OF BRAINTREE

IN COUNCIL

ORDER NO: 10 035

DATE: March 19, 2010

ORDERED: Town Council

APPLICATION FOR REZONING – 741 GRANITE STREET

At the request of Messina Residential Properties, LLC, that the Town Council vote to approve the Rezoning Application of 741 Granite Street as presented by Messina Residential Properties, LLC and as outlined in the May 13, 2010 letter from the Braintree Planning Board.

Passed in Council: May 18, 2010
Presented to Mayor: May 19, 2010
A True Copy, Attest:

May 21, 2010
Date Approved

Joseph F. Powers
Joseph F. Powers, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

ORDER #10-035

Town of Braintree: Application for Rezoning – Worksheet

SECTION TO BE COMPLETED BY PETITIONER

Petitioner

Name: Messina Residential Properties, LLC
Address: c/o 400 Franklin Street
Braintree, MA 02184
Phone: 781-848-5000
Email: rmarshall@fxmessina.com

Contact/Billing Information

Name: F.X. Messina Enterprises
Address: 400 Franklin Street
Braintree, MA 02184
Phone: 781-848-5000
Email: rmarshall@fxmessina.com

If same as petitioner, write "same"

*Petition Submitted By: G. Edward Marshall, Atty. for Messina Residential Properties, LLC

* M.G.L. Chapter 40A Section 5/Attorney General's Handbook: Petitioner who can initiate submissions for adoption and or changes to the zoning bylaws include City/Town Council, board of Appeals, Planning board, Property Owner (not a tenant or lessee), 10 registered voters, Regional Planning Agency, Municipal Charter/Enabling Legislation.

Date Received

Date & Time Stamp

March 12, 2010

Charles B. Ryan, President
Braintree Town Council
c/o Office of the Town Council
Braintree Town Hall
One JFK Memorial Drive
Braintree, MA 02184

Re: Petition to Rezone Land
Premises: 741 Granite Street
Assessors Reference: Plan 1032, Plot 1B containing 11,250 s.f.
Petitioner: Messina Residential Properties LLC
c/o 400 Franklin Street, Braintree, MA 02184

Dear Mr. President:

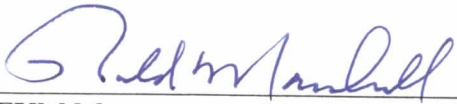
Please find attached to this petition to rezone land from Residence B to Highway Business District, submitted in accordance to the recently adopted procedure for rezoning applications promulgated by the Town Council, as follows:

- (1) Completed Town of Braintree Application for Rezoning Worksheet;
- (2) Three copies of a Plan of Land identifying the land area to be rezoned;
- (3) A legal description for the property to be rezoned;
- (4) Three written copies of a written narrative that identifies the proposed zoning classification change, addressing;
 - a. Existing zone classification;
 - b. Reason for proposed zone change; and
 - c. Public benefits to the general area and community
- (5) A certified list of all abutters within 300 feet of the property proposed to be rezoned (Article XV Zoning Amendments – Braintree Zoning Ordinance - §135-1501 Amendments);
- (6) Two sets of addressed stamped envelopes of all abutters; Planning boards of adjacent communities and to Massachusetts Department of Housing and community Development (DHCD) and Metropolitan Area Planning Council;
- (7) The application is submitted by the property owner to be affected by the proposed change in zoning classification.

We hope that you will find the application to be complete and sufficiently detailed to process the Council Order in accordance with the General laws and Town Zoning Amendment Provisions.

Submitted this 12th day of March 2010

Messina Residential Properties LLC

By 
FXM Management, Inc., its Managing Member
By its Attorney In Fact, *Ronald Marshall, Esq.*

DESCRIPTION

741 GRANITE STREET, BRAINTREE, MASS. 02184

A certain parcel of land with buildings thereon located at 741 Granite Street, Braintree, Norfolk County, Massachusetts, with the buildings thereon situated on the NORTHWESTERLY side of Granite Street in said Braintree, Norfolk County, Massachusetts, being a portion of lot 3 on a Plan of a Portio Moses Holbrook Farm dated 1903, White and Wetherbee, C.E., duly recorded Norfolk Deeds, bounded and described as follows:

SOUTHEASTERLY	by said Granite Street, seventy five (75) feet;
SOUTHWESTERLY	by a part of said lot number three (3) one hundred fifty (150) feet;
NORTHWESTERLY	by a part of said lot number three (3) seventy five (75) feet; and
NORTHEASTERLY	by lot number two (2) on said plan, one hundred fifty (150) feet.

For title see Parcel Five in Deed recorded at said Registry in Book 26050, Page 392.

**WRITTEN NARRATIVE IN SUPPORT OF
REZONE APPLICATION**

The property subject to the petition to rezone from Residence B to Highway Business District is located at 741 Granite Street and is owned by Messina Residential Properties LLC. The land area to be rezoned is shown on Braintree Assessor's Map No. 1032 as Plot 1B and contains 11,250 s.f. of land. The lot is shown on the Plan of Land accompanying this petition.

The property at 741 Granite Street fronts along Granite Street for 75 feet and is surrounded by other land zoned Highway Business District, which comprises the Granite Plaza Shopping Center. The 1986 Annual Town Meeting rezoned the land comprising the Granite Plaza Shopping Center from Residence B and Commercial to Highway Business District. The single lot at 741 Granite Street was separately owned at the time and remained Residence B.

In 1992, the Petitioner's predecessor purchased the property from its residential owners. A copy of the relevant portion of the Town of Braintree Zoning Map, dated December 10, 1986, as most recently revised in July of 2001, shows the subject property as an "island" of Residence B zoned land surrounded by Highway Business District zoned land. The property subject to the petition is in fact "spot zoned", as one lot singled out for different treatment from that accorded to similar surrounding land.

By rezoning the petitioner's land from Residence B to Highway Business District will allow the property to be merged into the surrounding business use and allow for a use consistent with the surrounding shopping center.

The change in zoning classification, consistent with the surrounding property, will allow for a higher economic use, will assist in future revitalization of the shopping center and increase the town's tax base.

The resulting change will be a beneficial impact upon the surrounding land uses and the municipality as a whole without negatively impacting any adjacent land uses.



Department of Planning and Community Development

Melissa M. Santucci, Principal Planner
90 Pond Street – Braintree, Massachusetts 02184
Phone: 781-794-8234 Fax: 781-794-8089

Joseph C. Sullivan
Mayor



PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Member
Darryl Mikami, Member

To: Charles Ryan, President
Braintree Town Council

From: Robert Harnais, Chair
Braintree Planning Board

Date: May 13, 2010


Re: Recommendation on Rezone Request
Town Council Order # 10-035

The Braintree Planning Board held a public hearing on May 11, 2010 with the proponents, Messina Residential Properties LLC, for the rezone request of 741 Granite Street (Assessors Map 1032 Plot 1B).

The request is to rezone 741 Granite Street from Residential B to Highway Business. The Planning Board reviewed the existing and proposed zoning in relation to the adjoining properties and zoning of the general area. After review and discussion, the Planning Board unanimously voted on May 11, 2010 to recommend **favorable action** to the Town Council on the rezone petition.

The vote for favorable action is recorded as follows:

	<u>In favor of the Motion</u>	<u>Against the Motion</u>
Robert Harnais, Chair	X	
Joseph Reynolds, Vice-Chair	X	
James Eng, Member	X	
Darryl Mikami, Member	X	


Christine Stickney, Director
Planning and Community Development

CC: Mayor Sullivan
Applicants
File

CHARLES B. RYAN
President
CHARLES C. KOKOROS
Vice President
District 1
LELAND A. DINGEE
At Large
SEAN E. POWERS
At Large
JOHN C. MULLANEY
District 2



THOMAS M. BOWES
District 3
HENRY N. JOYCE
District 4
RONALD E. DENAPOLI
District 5
PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

TOWN OF BRAINTREE PUBLIC HEARING NOTICE

The Town Council of the Town of Braintree will hold a Public Hearing on Tuesday, **May 18, 2010** starting at 7:30PM at the Horace T. Cahill Auditorium at Town Hall, 1 JFK Memorial Drive, Braintree, MA to consider the following authorizations in accordance with General Laws Chapter 40A, Section 5 and the Town Charter, Article 2, Section 2-9(c) and/or Article 6, Section 6-7:

10 035: Messina Residential Properties, LLC Petition to Rezone Land – 741 Granite Street
The petitioner, Messina Residential Properties, LLC, proposes to rezone 741 Granite Street from Residence B to Highway Business District, to be consistent with the abutting Highway Business District zoning. The entire text of the proposal is available for viewing at the Office of the Town Clerk during normal office hours 8:30AM – 4:30PM, Monday – Friday.